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Celebrating 50 Years

March 12, 1997

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Mr. Morris Flexner
U.S. Environmental Protection Agency
Region IV
Atlanta Federal Center
100 Alabama Street, S.W.
Atlanta, GA 30303-3104

Subject: January 27, 1997, Request For Information

Dear Mr. Flexner:

On behalf of the Business Council of Alabama and a coalition of companies interested in water quality in Alabama, I am submitting additional information in response to your January 27, 1997, Request for Information. This is an addendum to the submission made by me by Federal Express on March 11, 1997. In your request, you ask for any information related to whether 25 streams in Alabama currently attain, or have attained since 1975, the Fish and Wildlife (F&W) criteria in the Alabama Department of Environmental Management's (ADEM's) water quality standards.

We have reviewed the 1994/95 Water Quality Report to Congress prepared by ADEM. In this report, ADEM includes summaries of streams not meeting their current classification as a result of impairment by various point and non-point source effects. We are confident that ADEM has the best current information regarding the status of waterbodies in Alabama; thus, we believe that these summaries are important information to consider in assessing whether a stream is meeting its current classification.

In the attached two tables, we have summarized the status of five of the streams for which EPA is evaluating whether F&W is or has been attained. One table lists the streams currently not supporting or only partially support their current classifications (either A&I or IO) because of non-point sources effects; the other summarizes streams likewise impaired. As can be noted, these tables indicate that Chickasaw, Five Mile, Village, Opossum, and Valley Creeks are not meeting their current classifications because of non-point sources or other effects on the streams. *This information reinforces the conclusion in our previous submission that these streams should not be upgraded because they are not meeting their current classifications.*

We also wish to address an issue discussed during the recent public hearing on this matter. In the hearing, a number of speakers voiced the opinion that the streams should be upgraded to F&W based on the presence of fish or wildlife in the stream or the intermittent

use of the stream for fishing purposes. We believe that this logic clearly is not consistent with the regulations, the intent, or the science involved in setting the classifications.

Most streams have annual variations in stream water quality. For example, flow rates are generally higher in the spring and winter months, and quality is better because of the rainfall pattern and the level of constituents in the stream due to these natural sources. Aquatic life tends to move throughout waterbodies based on the available water quality. For example, they may be present in many smaller streams during the winter and spring months because of the higher flows, abundance of oxygen, and warmer temperatures present in these areas. Often, they will move out of these smaller tributaries areas in the warmer months to cooler, deeper areas. Thus, fish and wildlife may be present in natural and man-affected streams at some times of the year and not at others. The lower (less than F&W) classifications recognize that aquatic life may exist at some time of the year, but not be present at all times. For example, the A&I classification provides for fish survival, but not propagation, assuming that the fish may be present in the A&I stream but may go elsewhere to propagate.

The key aspects of the water quality standards are the applicable criteria found in each classification description (ADEM Code 335-6-10-.09). ADEM states in 335-6-10-.01(3) that "Characteristics or parameters included in the criteria are those of *fundamental to a determination of water quality significance* (emphasis added) and are those which are and can be routinely monitored and compared to data that are generally available." In recognition of this, the water quality standards are written to provide that minimum, numeric, or well-defined narrative criteria be met during the critical low flow periods. Thus, complying with the water quality standards means that the numeric or narrative criteria must be met, not just that fish and wildlife are present in the waterbody at some point during the year. We suggest that EPA consider this fact when reviewing the comments made at the public hearing.

We appreciate the opportunity to make these comments on behalf of business and industry in Alabama. Should you have any questions, please feel free to call me.

Sincerely,

CH2M HILL

J. P. Martin, P.E.
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c: Business Council of Alabama
Coalition Members
James W. Warr/ADEM

Stream Impairment Summary
Nonpoint Source Impacts
Selected Mobile and Birmingham Area Streams

Impact Causes	*Chickasaw Creek*	*Five Mile Creek*	*Village Creek*	*Opossum Creek*	*Valley Creek*
Current Classification	*A&I*	*A&I*	*A&I*	*IO*	*A&I/IO*
Compliance Status	*Partial Support*	*Partial Support*	*Non Support*	*Non Support*	*Non Support*
Unknown Toxicity				X	X
Pesticides				X	X
Nonpriority Organics			X	X	X
Metals			X	X	
Ammonia			X		
Nutrients	X	X	X		X
pH			X	X	
Siltation	X	X	X		X
Organic Enrichment		X	X		X
Flow Alteration			X		X
Other Habitat Alteration					X
Pathogens		X	X	X	X
Oil and Grease			X	X	X

Source: 1994/95 Water Quality Report to Congress, Appendix D, Alabama Department of Environmental Management, June, 1996.

Stream Impairment Summary
Evaluated Waterbody-Specific Information
Selected Mobile and Birmingham Area Streams

Impact Causes	*Five Mile Creek*	*Opossum Creek*	*Valley Creek*
Current Classification	*A&I*	*IO*	*A&I/IO*
Compliance Status	*Partial Support*	*Non Support*	*Non Support*
Unknown Toxicity		X	
Pesticides		X	
Priority Organics		X	
Nonpriority Organics		X	X
Metals		X	
Ammonia			
Nutrients	X	X	X
pH		X	
Siltation	X		X
Organic Enrichment	X		X
Flow Alteration			X
Other Habitat Alteration			X
Pathogens	X		
Oil and Grease		X	

Source: 1994/95 Water Quality Report to Congress, Appendix E, Alabama Department of Environmental Management, June, 1996.